THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY
and
THE HONOURABLE SRI JUSTICE
P.SWAROOP REDDY

TAKEN UP W.P.No.19426 of 2005

Dt.08-10-2007

Between:
A.Prabhakara Rao

..Petitioner

and

1. The General Manager, B.S.N.L.,
   Suryalok Complex, Gunfoundry, Hyderabad
   and others.

..Respondents.

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Oral Order: (Per Hon'ble Sri Justice ***A.Gopal Reddy***)

Petitioner addressed a letter dated 22-08-2005 to the Hon'ble the Acting Chief Justice stating that his daughter by name A.Reshma was admitted in 10th class in Bashyam School to prosecute her students for the academic year 2002-2003. While so, in the month of October, 2002 he went to Visakhapatnam by leaving his family members at Rajahmundry; at about 8 P.M. in the night some stranger phoned to their telephone; when his daughter lifted the phone, the stranger asked his daughter "*is your father at home*"; she replied that "*he went to Visakhapatnam*; then the caller loud biggarly and kept the phone off. Thereafter, he continued to give a ring and on lifting the phone, his daughter could hear some one blowing air; it went almost for the whole night. He rushed back to Rajahmundry and watched the phone from morning to night; he received nearly 60 to 70 calls and on lifting no reply from the other side. Disgusted with such nuisance he applied for caller ID facility to the Telecom Department, so that he could make out who was the caller and from which number he phoning. Surprisingly the telephone number did not appear in the caller ID. On further enquiry it was found that the telephone department was able to see all the numbers in the caller ID except the number of the strange caller. Then he lodged a written compliant to the General

Manager, BSNL, Rajahmundry, but of no use. The department has proposed to change the telephone number and as a part of their investigation they did not disclose the number allotted to the petitioner, which was continued for one week; but the telephone department failed to identify who is the caller making the calls. In the month of June, 2005 his daughter joined in Srikanya Junior College, Anakapalle for her studies in the second year intermediate; he has taken a rented house in Sharadanagar colony, where again harassment started from the missing calls. On 22-07-2005 after writing the monthly test when she sat near a window, to her surprise she found the stranger accompanied by some one holding camera in his hand and tried to take photograph of her then she shouted loudly, immediately he ran way. On the next day when she was provided with cell phone to intimate him, nothing happened and the cell phone began ringing while she was in the college. He met the Deputy Superintendent of Police, Anakapalle and narrated the harassment meted out by his family members and lodged a compliant on his instructions on 25-07-2005.

The said letter was taken up as writ petition and issued notices to all the respondents.

In response to notice, the Divisional Engineer (Admn.), BSNL filed a counter stating that they got the matter enquired by DET—Anakapalle and the inquiry coupled with the telephone talk of SDE (Legal) GMTD VM over telephone No.08924-220728 belonging to Mahalaxminaidu in the same address reveals that the petitioner and his family members used to get obnoxious calls to their cell in which identity of the caller is not displayed. Respondent No.3 has done whatever possible to the maximum extent to help the petitioner and his

daughter.

The Sub-Divisional Police Officer addressed a letter to the Registry that soon after receipt of the report made by the petitioner Cr.No.259/2005 was registered under Sections 509 and 506 IPC in Anakapalle Town Police Station. In the report the complainant stated that miscreants are in the age group of 25 to 30 years moving on numberless motor cycles (Yamaha and Hero Honda) and they are wearing claps and masks. In view of the same, as the information and identity is not known, they have kept the surveillance to trace the culprits and they have not come across such persons.

After the writ petition is taken on file there is no compliant from the petitioner about harassment of phone calls.

The Assistant Sub-Inspector of Police, Anakapalle Town Police Station also filed a counter stating that final report has been filed before the Additional Judicial First Class Magistrate, Anakapalle; though the case is referred as "*undetectable*" tentatively, if any clues are forthcoming, the same will be reopened and necessary action will be taken.

In view of the fact that since for the last 2½ years there is no complaint by the petitioner about harassment or receiving any unidentified phone calls, no further action need be taken in the matter.

The writ petition is accordingly closed.

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A.GOPAL REDDY, J.

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P.SWAROOP REDDY,J

08-10-2007

Murthy